

Ser. No. 10/783,801
Gibbons 105942-53920

RESTRICTION REQUIREMENT

Restriction has been required as follows:

Group I - Claims 22, 25-27, 31-36 directed to tetra-O-benzyl-protected monomers having a benzyl or a silyl protecting group at C-3, e.g., 3,5,7,3',4'-penta-O-benzyl-3-O-benzyl-4-hydroxy-epicatechin or 5,7,3',4'-tetra-O-benzyl-3-O-*tert*-butyl-dimethylsilyl-4-hydroxy-epicatechin, (2R,3S)-5,7,3',4'-tetra-O-benzyl-3-O-[(*tert*-butyldimethylsilyl)oxy]-flavan-4-one, or (2R,3S)-3,5,7,3',4'-pentakis(benzyloxy)-flavan-4-one;

Group II - Claims 37 and 40 directed to a process for making an epicatechin dimer, specifically an EC-(4 α ,8)-C dimer;

Group III - Claims 38 and 41 directed to a process for making the compounds of Group I;

Group IV - Claims 39 and 42-45 directed to a process for making an EC-3-O-acyl dimer, e.g., EC-(4 α ,8)-3-O-galloyl-C dimer;

Group V - Claims 46-47 directed to specific protected dimers; e.g., 5,7,3',4'-tetra-O-benzyl-3-O-(*tert*-butyldimethylsilyl)-EC-(4 α ,8)-5,7,3',4'-tetra-O-benzyl-3-O-(*tert*-butyldimethylsilyl)-C or 3,5,7,3',4'-penta-O-benzyl-(4 α ,8)-3,5,7,3',4'-penta-O-benzyl-C, or 5,7,3',4'-tetra-O-benzyl-EC-(4 α ,8)-tetra-O-benzyl-C;

Group VI - Claims 48-53 directed to a tetra-O-benzyl-protected-(4 α ,8)-dimer having at least one 3-O-acyl group, e.g., EC-(4 α ,8)-[3-O-galloyl]-C; and

Group VII - Claim 54 directed to an EC-(4 α ,8)-C dimer.

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REMARKS

Applicants elect with traverse the claims of Group II, i.e., Claims 37 and 40 directed to a process for making an epicatechin-(4 α ,8)-catechin dimer. It is respectfully requested that the claim of Group VII, which is directed to the same dimer, i.e., an epicatechin-4 α ,8-catechin dimer, be examined at the same time. It would appear that a separate search would not be required or, if required, would not be unduly time consuming.

It is respectfully pointed out that the claims of Group III, i.e., Claims 38 and 44, are not directed to a process for making the compounds of Group I. The compounds of Group I are protected monomers, whereas the compounds made by the process of Claims 38 and 41 are protected dimers.

It is also respectfully pointed out that most of the claims do not cover a large number of compounds. Claims 37, 40, and 54 are all directed to one specific dimer, i.e., an EC-(4 α ,8)-C dimer.

CORRESPONDENCE AND FEES

In the event that any fees are required, authorization is hereby given to charge Deposit Account No. 03-3839. Please address all correspondence to Intellectual Property Docket Administrator, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, One Riverfront Plaza, Newark, NJ 07102-5497.

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Should there be any questions or other matters that may be resolved by a telephone call,
the Examiner is invited to contact the undersigned attorney at the number below.

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Respectfully submitted,

Gibbons, Del Deo, Dolan, Griffinger & Vecchione

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